

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
JEAN-PAUL ACCARIE ET AL.) : Examiner: Lin Liu
Appn. No.: 10/724,701) : Art Unit: 2445
Filed: December 2, 2003) : Conf. No.: 1995
For: GATEWAY AND METHOD FOR)
THE INTERCONNECTION OF :
TWO NETWORKS, ESPECIALLY)
A HAVi NETWORK AND AN :
UPnP NETWORK) : May 5, 2009

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.181(a)
TO WITHDRAW HOLDING OF ABANDONMENT
DUE TO NON-RECEIPT OF OFFICE ACTION

Sir:

A Notice of Abandonment dated December 22, 2008, has been received for the subject application. The subject application was deemed abandoned for failure to respond to an Office Action.

Applicants' attorneys were contacted by telephone on December 17, 2008, by the Examiner, who inquired whether a response had been filed to the last Office Action. After some discussion, and a consultation of the PAIR record for this application, Applicants' attorneys determined that PTO records indicate that after Applicants' filing of an Amendment on December 18, 2007, and a Supplemental Amendment and Submission of Corrected Drawings on

December 28, 2007, the PTO mailed an Office Action on April 30, 2008, which was returned to the PTO the next day, May 1, 2008, as allegedly being undeliverable. In fact, Applicants' attorneys did not receive that Office Action, and learned of the existence thereof only as a result of the Examiner's call on December 17, 2008. Applicants' attorneys ultimately had to (and did) obtain a copy of that Office Action from PAIR (copy attached).

A copy of the Image File Wrapper from PAIR, designating the Office Action as "Mail returned to USPTO as undelivered", is enclosed as Exhibit A. The copy of the Office Action retrieved from PAIR shows a date stamp indicating receipt of the undelivered mail in the OIPE on May 1, 2008, and is enclosed as Exhibit B.

Had the Office Action been received by Applicants' attorneys, it would have been docketed for a response due on July 30, 2008. A copy of Applicants' attorneys' master docket sheet for July 30, 2008 is enclosed as Exhibit C, and as can be seen from the master docket sheet, no response was docketed for the subject application. See MPEP § 711.03(c)(1)(A).

In support of the Petition, and in accordance with MPEP § 711.03(c)(1)(A), the undersigned hereby states that the April 30, 2008 Office Action was not received by Applicants' attorneys, and a search of the file jacket and docket records of the subject application indicates that the Office Action was not received.

No fee is believed to be due in connection with this Petition. Should a fee nonetheless be deemed to be due, the Director is hereby authorized to charge such fee, and to credit any overpayment, to Deposit Account No. 06-1205.

In view of the foregoing, Applicants respectfully request that the holding of abandonment be withdrawn. Since Applicants have themselves obtained a copy of the Office Action from PAIR, it is not necessary for the USPTO to re-mail that Action, and a response thereto is submitted herewith. Applicants respectfully request that upon the granting of this petition the attached Amendment be deemed to have been timely filed, and that it be forwarded directly to the Examiner to expedite prosecution.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



Leonard P. Diana
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UPnP NETWORK) April 24, 2009

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF MARK CHANDERDATT

Sir:

I, the undersigned MARK CHANDERDATT, declare and say that:

1. I am the docketing supervisor at the law firm of Fitzpatrick, Cella,

Harper & Scinto ("our firm"), 30 Rockefeller Plaza, New York, New York 10112, and have been with the firm for over 9 years.

2. It is our firm's normal practice to keep a record of all documents

received from the U.S. Patent and Trademark Office ("USPTO") requiring a response within a specified period, i.e., all documents having a "due date." I have personally reviewed our firm's docketing records for responses due on July 30, 2008, for an Office Action dated April 30, 2008,

and our firm's records indicate that no Office Action with a mailing date of April 30, 2008, or any other mailing date, was received from the USPTO for Application No. 10/724,701.

3. More specifically, I have reviewed our firm's master docket record and manual docket record for responses due on July 30, 2008, and the records show that no response was due on that date for Application No. 10/724,701, which would correspond to an Office Action with a mailing date of April 30, 2008. Attached, as Exhibit C, are copies of the relevant portions of our firm's master docket record and manual docket record for July 30, 2008, listing responses due on that date.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Dated: April 24, 2008



Mark Chanderdatt

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